

**JENNIFER L. COON**  
California State Bar No. 203913  
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Attorneys for Mr. Hernandez-Rivera

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
(HONORABLE M. JAMES LORENZ)

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
RIGOBERTO HERNANDEZ-RIVERA,  
  
Defendant.

CASE NO. 08CR0719-L

DATE: July 7, 2008  
TIME: 2:00 p.m.

NOTICE OF MOTIONS AND MOTIONS TO:

- 1) DISMISS THE INDICTMENT DUE TO  
INVALID DEPORTATION; AND
- 2) GRANT LEAVE TO FILE FURTHER  
MOTIONS

TO: KAREN P. HEWITT, UNITED STATES ATTORNEY; AND  
NICOLE A. JONES, ASSISTANT UNITED STATES ATTORNEY:

PLEASE TAKE NOTICE that, on July 7, 2008, at 2:00 p.m., or as soon thereafter as counsel may be heard, defendant Rigoberto Hernandez-Rivera, by and through his attorneys, Jennifer L. Coon and Federal Defenders of San Diego, Inc., will ask this Court to enter an order granting the following motions.

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**MOTIONS**

Defendant Rigoberto Hernandez-Rivera, by and through his attorneys, Jennifer L. Coon and Federal Defenders of San Diego, Inc., asks this Court pursuant to the United States Constitution, the Federal Rules of Criminal Procedure, and all other applicable statutes, case law, and local rules for an order to:

- (1) Dismiss the Indictment Due to Invalid Deportation; and
- (2) Grant Leave to File Further Motions.

These motions are based upon the instant motions and notice of motions, the attached statement of facts and memorandum of points and authorities, the files and records in the above-captioned matter, and any and all other materials that may come to this Court's attention prior to or during the hearing of these motions.

Respectfully submitted,

DATED: June 23, 2008

/s/ Jennifer L. Coon

**JENNIFER L. COON**

Federal Defenders of San Diego, Inc.  
Attorneys for Mr. Hernandez-Rivera